

~~ED FOULK, et al.~~

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BARTOLO MULLEN,	)	No. C 09-6081 RMW (PR)
	)	
Plaintiff,	)	ORDER DIRECTING
	)	PLAINTIFF TO RESPOND
v.	)	
	)	
ED FOULK, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, a formerly civilly committed person proceeding pro se, filed an amended civil rights action pursuant to 42 U.S.C. § 1983 alleging that defendants violated his constitutional rights. Defendants have moved for summary judgment, arguing that there is no genuine issue of material fact and that they are entitled to judgment as a matter of law. Although given an opportunity, plaintiff did not file an opposition. The matter is now submitted for decision. The court notes that plaintiff has since been released from both Napa State Hospital and the California Department of Rehabilitation and Corrections. Plaintiff has not contacted the court since February 15, 2011. Accordingly, within **twenty days** of the filing date of this order, plaintiff shall notify the court of his intent to continue to prosecute this action. **Plaintiff's failure to file a notice of intent to prosecute within twenty days of the filing date of this order will result in the dismissal of this case.**

IT IS SO ORDERED.

DATED: JEC:FF

  
RONALD M. WHYTE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

BARTOLO MULLEN,  
Plaintiff,

Case Number: CV09-06081 RMW

**CERTIFICATE OF SERVICE**

v.

ED FOULK et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 23, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Bartolo Mullen  
3467 Hillsborough Drive  
Concord, CA 94520

Dated: September 23, 2011

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk